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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,330	10/07/2005	Thomas Jatschka	2002P13843WOUS	8651

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

NOBILE, DANIEL A

ART UNIT	PAPER NUMBER
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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,330	Applicant(s) JATSCHKA, THOMAS	
	Examiner DANIEL NOBILE	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 15-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 15-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on April 22, 2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617

Response to Arguments

2. Applicant's arguments, see Appeal Brief, filed April 22, 2010, with respect to the rejection(s) of claim(s) 10, 15-18, 21 and 23-26 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cotton (U.S. Patent 6,148,205) and in view of IEEE Standard 802.15.1-2002 and in

view of Irvin (U.S. Patent 6,029,074).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton (U.S. Patent No. 6,148,205 – hereinafter as “Cotton”) and in view of IEEE Standard 802.15.1-2002 (hereinafter as “IEEE_802.15”) and in further view of Irvin (U.S. Patent 6,029,074 – hereinafter as “Irvin”).

6. As to claim 10:

Cotton teaches a method for the initial registration (col. 2, lines 20-27) of a mobile terminal (col. 2, lines 28-33; Fig. 1 [104]) at an access point of a local communication network (col. 2, lines 28-33; Fig. 1 [102], [100]), the access point having a first radio transmitting (col. 2, line 59; Fig. 2 [216]) and receiving unit (col. 2, lines 59-

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67; Fig. [218]) operating at a first transmitting power for establishing communication between the mobile terminal and the local communication network (col. 2, lines 20-27), the method comprising:

- detecting the mobile terminal by the access point (col. 5, line 18; Fig. 6 [621]; “request for registration message”);
- providing a signaling which includes transmitting to the mobile terminal after the detecting the mobile terminal by the access point (col. 5, line 30; Fig. 7 [712]); instructs the mobile terminal to reduce a second transmission power of a second radio transmitting and receiving unit of the mobile terminal so that a transmit/receive process is only carried out in a near field of the mobile terminal (col. 5, lines 32-46; Fig. 7 [716]; discloses placing units into a Registration State that operates at low RF power); and
- reducing the first transmitting power of the first radio transmitting and receiving unit after the signaling (col. 5, line 2-3; Fig. 6 [602], [606], [608]; “base station transitions into registration state wherein transmitted RF signal power level is reduced from the operational state”), the first transmitting power is reduced such that the communication between the mobile terminal and the local communication network is enabled exclusively within a near field of the access point (col. 2, line 33-36; Fig. 1 [102], [104]; “for access device to register it must be placed next to the base station”), the near field having a smaller area than a standard enabling area defined by all locations enabling the communication between the mobile terminal and the local communication network when the mobile terminal is present at the locations and the first radio transmitting and receiving unit is operating at the first non-reduced transmitting power (col. 5, line 37-40;

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Fig. 1 [102], [106]; “other access device not register because it is out of range of the base station”).

Cotton fails to teach

- a first message;

- the first message indicates a received first signal level at the access point, the received first signal level formed as a received signal strength indicator value.

IEEE_802.15 teaches

- a first message (section 7.3; “power control optimizes output power with LMP commands);

- the first message indicates a received first signal level at the access point, the received first signal level formed as a received signal strength indicator value (section 9.3.18; Sequence 41 [LMP_decr_power_req], therefore power control message based on RSSI level; section 7.4.7; Figure 9; “RSSI compares received power with two threshold values”, discloses a process to request a power decrease based on a parameter based on a comparison of a RSSI measurement to a threshold value to tell the terminal to increase or decrease it’s transmitted output power by sending a RSSI based parameter).

At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined IEEE_802.15 RSSI messaging with Cotton’s method. The motivation to combine is as follows. The motivation to do so is provided by IEEE_802.15 (section 7.4.7). Power control based on RSSI parameter is part of the Bluetooth standard. Using Bluetooth power control method simplifies system design

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and has the benefits of using known industry standards to implement this function and allows this power control method to interact with Bluetooth compliant devices and systems.

Cotton when combined with IEEE_802.15 fails to teach artificially received first signal level being higher than a signal receiving level actually measured by the access point.

Irvin teaches artificially received first signal level being higher than a signal receiving level actually measured by the access point (col. 3, lines 6-27; col. 4, lines 62-67; col. 5, lines 1-7; discloses a power control function based on deliberately passing a power level control parameter to a device that is artificially too high in order to force the device to transmit at a lower power level, in this case the MAC attenuator parameter is analogous to the RSSI parameter).

At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined Irvin with Cotton and IEEE_802.15. The motivation is found in Irvin (col. 1, lines 11-29; col. 3, lines 6-27). Irvin presents a method to force a terminal to reduce its transmitting power that is outside of a normal power control method as proposed by IEEE_802.15. By sending out artificial control parameters to force the terminal to transmit at a desired power level, the IEEE_802.15 method can still be used which allows the system to be compatible with known industry standards.

7. As to claim 21:

Cotton teaches an access point of a local communication network (col. 2, line 31; Fig. 1 [100], [102]).

Cotton when combined with IEEE_802.15 and Irvin teaches the remaining claim limitations as discussed in the claim 10 rejection above. The motivation to combine is the same as the claim 10 rejection above.

8. Claims 15-20 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton (U.S. Patent No. 6,148,205 – hereinafter as “Cotton”) and in view of IEEE Standard 802.15.1-2002 (hereinafter as “IEEE_802.15”) and in further view of Irvin (U.S. Patent 6,029,074 – hereinafter as “Irvin”) and in further view of Juurikko (U.S. Patent Application 2003/0003868 – hereinafter as “Juurikko”).

9. As to claim 15:

Cotton in view of IEEE_802.15 and Irvin teaches the method according to claim 10 (as discussed above).

Cotton when combined with IEEE_802.15 and Irvin fails to teach wherein the signaling includes a second message in order to instruct the user to move the mobile terminal into the near field of the access point.

Juurikko teaches wherein the signaling includes a second message in order to instruct the user to move the mobile terminal into the near field of the access point (para. [0023], [0029]; Fig. 1a; Fig. 1b; Fig. 2 [205=YES], [206]; discloses access point [103] sends a message to mobile [109] to guide mobile user back to the access point for

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better signal reception through use of the mobile display [110], therefore an instruction to the user to move the mobile terminal).

At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined Juurikko with Cotton, IEEE_802.15 and Irvin. While Cotton acknowledges the need to move the terminal to the access point during registration (col. 2, lines 34-40), Juurikko provides a message to guide the user towards the access point and makes for a more efficient registration process.

10. As to claim 16:

Cotton in view of IEEE_802.15, Irvin and Jurrikko teaches the method according to claim 15 (as discussed above).

Cotton when combined with IEEE_802.15, Irvin and Jurrikko teaches wherein the second message is re-transmitted to the mobile terminal if the mobile terminal has not been moved into the near field of the access point within a specified time period after receiving the second message by the mobile terminal (IEEE_802.15: section 8.5.3 ARQ Scheme; "packets are retransmitted until acknowledgement ... is returned ... or timeout is exceeded").

At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined IEEE_802.15 with Cotton. The motivation to do so is that ARQ is commonly used in data communications and allows for an efficient retransmission scheme. It also has the benefit of using a known industry standard to implement this function and allows this method to interact with Bluetooth compliant

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devices and systems.

11. As to claim 17

Cotton in view of IEEE_802.15, Irvin and Jurrikko teaches the method according to claim 16 (as discussed above) and further teaches wherein the reduced first transmission power is increased at least temporarily to a level corresponding to the non-reduced transmission power (col. 5, line 1; Fig. 6 [608]; “registration state ... reduced RF power”; col. 5, lines 10-11; Fig. 6 [606]; “base station changes to operation state”; with non response of terminal, base station reverts to operational transmission power to increase coverage range for retry).

12. As to claim 18

Cotton in view of IEEE_802.15, Irvin and Jurrikko teaches the method according to claim 16 (as discussed above).

Cotton when combined with IEEE_802.15, Irvin and Jurrikko teaches wherein the second message is repeatedly re-transmitted (IEEE_802.15: section 8.5.3 ARQ Scheme; “packets are retransmitted until acknowledgement ... is returned ... or timeout is exceeded”). The motivation to combine is given in the claim 16 rejection above.

13. As to claim 19:

Cotton in view of IEEE_802.15 and Irvin teaches the method according to claim 10 (as discussed above).

Cotton when combined with IEEE_802.15 and Irvin fails to teach wherein the first and second transmitting and receiving units operate according to a short-range radio standard.

Juurikko teaches wherein the first and second transmitting and receiving units operate according to a short-range radio standard (para. [0021]; Fig. 1a [103], [109]).

At the time the invention made, it would have been obvious to a person having ordinary skill in the art to have combined Juurikko's short range standard into Cotton, IEEE_802.15 and Irvin's method. The motivation to do so is provided by Juurikko (para. [0002]). A short-haul standard allows for operation at low transmission power which restricts the range to within a few meters and it also conserves battery life of mobile units. Using a known standard to operate a system, reduces the development cost and shortens the design time to develop a system since it allows the use of commercially available parts and software in the design.

14. As to claim 20:

Cotton in view of IEEE_802.15, Irvin and Juurikko teaches the method according to claim 19 (as discussed above).

Cotton when combined with IEEE_802.15, Irvin and Juurikko teaches wherein the short-range radio standard comprises a Bluetooth specification (para. [0021]). The motivation to combine is the same as given in the claim 19 rejection above.

15. As to claim 23:

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Cotton in view of IEEE_802.15 and Irvin teaches the access point according to claim 21 (as discussed above).

Cotton when combined with IEEE_802.15, Irvin and Juurikko teaches the remaining claim limitations as discussed in the claim 15 rejection above. The motivation to combine is the same as the claim 15 rejection above.

16. As to claim 24

Cotton in view of IEEE_802.15, Irvin and Juurikko teaches the access point according to claim 23 (as discussed above).

Cotton when combined with IEEE_802.15, Irvin and Juurikko teaches the remaining claim limitations as discussed in the claim 16 rejection above. The motivation to combine is the same as the claim 16 rejection above.

17. As to claim 25

Cotton in view of IEEE_802.15, Irvin and Juurikko teaches the access point according to claim 24 (as discussed above) and teaches the remaining limitations of the claim as discussed in the claim 17 rejection above.

18. As to claim 26

Cotton in view of IEEE_802.15, Irvin and Juurikko teaches the access point according to claim 24 (as discussed above).

Cotton when combined with IEEE_802.15, Irvin and Juurikko teaches the

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remaining claim limitations as discussed in the claim 18 rejection above. The motivation to combine is the same as the claim 16 rejection above.

19. As to claim 27

Cotton in view of IEEE_802.15 and Irvin teaches the access point according to claim 21 (as discussed above).

Cotton when combined with IEEE_802.15, Irvin and Juurikko teaches the remaining claim limitations as discussed in the claim 19 rejection above. The motivation to combine is the same as the claim 19 rejection above.

20. As to claim 28

Cotton in view of IEEE_802.15, Irvin and Juurikko teaches the access point according to claim 27 (as discussed above).

Cotton when combined with IEEE_802.15, Irvin and Juurikko teaches the remaining claim limitations as discussed in the claim 20 rejection above. The motivation to combine is the same as the claim 20 rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL NOBILE whose telephone number is (571) 270-7695. The examiner can normally be reached on MON - THUR: 7:00AM - 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D.N./

Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617